IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

CIVIL APPLICATION NO.4974 OF 2005

IN

FIRST APPEAL NO.782 OF 1984

IN

L.C.SUIT NO.4479 OF 1978

Ramesh M. Arasa. ...Applicant (orig. Plff.)

vs.

The Municipal Corporation of Gr.Bombay. ...Respondent (orig.Deft)

Mr.P.K.Dhakephalkar i/b. Mr.V.J.Hegade, for Applicant- Orig.Plaff..

Mr.J.J.Xavier, for Respondent- BMC

CORAM: D.K.DESHMUKH,J.

DATED: 5th December,2005

P.C.:-

1. Heard the learned Counsel appearing for applicant-

original plaintiff and the learned Counsel appearing for the Corporation. With reference to the order dated 8th October,1998 passed in First Appeal no.782 of 1984 it is clarified that that order does not prevent the applicant from moving a representation before the Corporation claiming that awning which is the subject matter of the Appeal is already sanctioned by the Corporation while sanctioning some map. This order also does not come in the way of the Corporation considering that representation on its own merit. It is also clarified that this clarification does not modify the original order dated 8th October,1998 and will not come in the way of the Corporation acting pursuant to that order.

Civil application is disposed of.